

Decision 05-08-026 August 25, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Casmalia Community Services District,

Complainant,

vs.

Unocal Corporation, also known as Casmite
Water System,

Defendant.

Case 03-09-001
(Filed September 2, 2003)

In the Matter of the Application of The Casmite
Corporation for a Certificate of Public
Convenience and Necessity to Operate a Public
Utility Water System Near Casmalia in the
County of Santa Barbara and to Establish Rates
for Service.

Application 03-12-024
(Filed December 22, 2003)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Pub. Util. Code § 1701.5(a) provides that ratesetting cases shall be resolved within 18 months of the date the scoping memo is issued unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 18-month deadline for resolving this matter is September 6, 2005 (the first business day after the actual deadline).

While the Administrative Law Judge's (ALJ) proposed decision has been completed since March 16, 2005, issuance of the proposed decision has been stayed at the request of all the parties who indicate they are actively engaged in settlement efforts (often with the assistance of a member of the Santa Barbara County Board of Supervisors). The parties also represent that the release of the proposed decision would adversely affect their settlement efforts. The Assigned Commissioner has concurred in staying the issuance of the proposed decision.

The parties' most recent request for a delay in the issuance of the proposed decision was made on June 2, 2005. By a ruling dated June 8, 2005, the assigned ALJ extended the delay in the issuance of the proposed decision until August 15, 2005. If the parties are unable to reach a settlement by that date, the Commission will not be able to act upon the proposed decision by the September 6, 2005, deadline. If the parties do reach a settlement, the Commission may need to review the settlement; and the Commission's review cannot be completed by September 6, 2005.

Waiver of Comment Period

Under Rule 77.7(f)(10) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving ratesetting proceedings. Accordingly, pursuant to Rule 77.7(f)(10), the otherwise applicable period for public review and comment on an extension order issued pursuant to Pub. Util. Code § 1701.5(a) is being waived.

Findings of Fact

1. The scoping memo in this proceeding was issued on March 3, 2004.
2. Based upon the 18-month statutory deadline, this ratesetting proceeding must be resolved on or before September 6, 2005, unless this date is extended.

3. This proceeding cannot be completed within the 18-month period due to the parties' repeated requests (most recently on June 3, 2005) to delay the issuance of the proposed decision so as to allow settlement efforts to continue.

4. No party opposes the extension of the 18-month statutory deadline in this proceeding.

Conclusion of Law

Effective immediately, the 18-month statutory deadline imposed by Pub. Util. Code § 1701.5(a) should be extended for a period of 60 days beyond September 6, 2005.

IT IS ORDERED that the 18-month statutory deadline in this proceeding, September 6, 2005, is extended until November 8, 2005.

This order is effective today.

Dated August 25, 2005, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
SUSAN P. KENNEDY
DIAN M. GRUENEICH
JOHN A. BOHN
Commissioners